IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 18736 of 2006

DATE OF DECISION: 28.11.2006.

Om Parkash ...Petitioner.

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Amit Chopra, Advocate
for the petitioner.

J.S. Khehar, J. (oral)

The petitioner claims to have rendered uninterrupted temporary/adhoc service from 5.3.1968 to 12.8.1976, and thereafter, continuous regular service, till his retirement on attaining the age of superannuation on 31.10.2004. It is also the contention of the learned counsel for the petitioner, that the petitioner has been allowed the benefit of regular service, as qualifying service, for the determination of his retiral benefits, although temporary/adhoc service rendered by the petitioner immediately preceding his regular service, has not been taken into consideration as qualifying service, for the determination of his retiral benefits. In this behalf, learned counsel for the petitioner states, that the petitioner had made a representation, to the authorities dated 13.10.2006 (Annexure P-3). However, no decision has been taken thereon by the authorities till date.

Learned counsel for the petitioner states that the petitioner

will be satisfied if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Director, Health and Family Welfare, Punjab, requiring him to take a final decision on the representation dated 13.10.2006 (Annexure P3).

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. the Director, Health and Family Welfare, Punjab, to take a final decision on the representation dated 13.10.2006 (Annexure P3), by passing a well reasoned speaking order within three months from the date of receipt of a certified copy of this order. It would be appreciated if respondent No.2, while passing the aforesaid order, takes into consideration the decision rendered by this Court in Kesar Chand V. State of Punjab, 1988(5) Services Law Reporter 27 and Ram Singh V. State of Haryana, 1993(4) Services Cases Today 740, as well as, any other relevant judgment on the point. In case the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

November 28, 2006.
vig